

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,832

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Appeal of)

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INTRODUCTION

The petitioner appeals the closure of her Vermont Health Access Program (VHAP) medical benefits. The issue is whether the petitioner's income is in excess of the program maximum.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is a single young woman who has gross income from employment of \$1369.80 a month. The petitioner, who has high recurring medical expenses due to a serious and chronic--though not

disabling--medical condition, takes issue with the lack of a provision in the regulations for a deduction from her income for those expenses.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations gross earnings from employment are considered in determining eligibility, and the only deductions allowed are for self-employment business expenses, a standard employment expense, and dependent care expenses. W.A.M. § 4001.81(c). The petitioner is not self-employed and she has no children. Therefore, the only deduction for her allowed in the regulations is the standard employment expense of \$90. *Id.* § 4001.81(e). This brings the petitioner's countable income to \$1279.80 a month.

Under the current regulations (see W.A.M. § 4001.84) the maximum allowable income for one person is \$968 a month. Procedures Manual § 2420.

Unlike the Medicaid program, there is no provision in VHAP for a determination of "applied income" or a "spenddown", by which the incurring of a predetermined amount of excess medical expenses within a six-month period can trigger eligibility at that point. The petitioner, who has high medical expenses,

would most likely benefit from such a provision. At present, however, there is no provision in the VHAP regulations for the consideration of medical expenses as a deduction from gross income.

Inasmuch as the Department's determination in this case is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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